

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KATHY MARTINEZ,

Plaintiff,

No. CIV S-04-0637 DAD

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,<sup>1</sup>

ORDER

Defendant.

On September 21, 2005, this court granted defendant's cross-motion for summary judgment and affirmed the decision of the Commissioner. On appeal, the judgment entered in favor of the Commissioner has been reversed, and the matter has been remanded to the ALJ to take the testimony of a vocational expert to determine whether plaintiff is capable of performing other jobs existing in the national economy in significant numbers. (Mem. filed Dec. 20, 2007, in appellate case No. 05-17265, at 7.)

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<sup>1</sup> On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Mr. Astrue is substituted for Jo Anne B. Barnhart as defendant in this suit pursuant to 42 U.S.C. § 405(g) and Fed. R. Civ. P. 25(d)(1).

1 IT IS ORDERED that:

2 1. The judgment entered in this case on September 21, 2005, is vacated;

3 2. The Clerk of the Court shall enter judgment for plaintiff pursuant to the order  
4 and judgment of the Court of Appeals for the Ninth Circuit filed in this court on February 13,  
5 2008; and

6 3. This matter having been remanded to the ALJ for further administrative  
7 proceedings, the Clerk of the Court shall close this case.

8 DATED: February 15, 2008.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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